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March 1, 2010

**Via Electronic Filing**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W., Suite TW-A325  
Washington, DC 20554

**Re: segTEL, Inc. - CPNI Compliance Certification  
EB Docket No. 06-36**

Dear Ms. Dortch:

On behalf of segTEL, Inc. ("segTEL"), and pursuant to 47 C.F.R. § 64.2009(e), enclosed is the Company's 2009 CPNI compliance certification.

Please direct any questions regarding this submission to the undersigned.

Very truly yours,

*/s/ Jonathan S. Frankel*

Jonathan S. Frankel

Enclosure

cc: Best Copy and Printing, Inc. (via E-Mail)

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**Annual 64.2009(e) CPNI Certification for 2010**  
**Covering the Prior Calendar Year 2009**  
**EB Docket 06-36**

Date filed: March 1, 2010

Name of company covered by this certification: segTEL, Inc.

Form 499 Filer ID: 825324

Name of signatory: Jeremy Katz

Title of signatory: Chief Executive Officer

I, Jeremy Katz, certify that I am an officer of segTEL, Inc. (the "Company"), and acting as an agent of the Company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, recordkeeping and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

As explained in the attached document titled "Explanation of actions taken against data brokers, the Company took certain actions last year with respect to the unauthorized use of CPNI.

The Company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The Company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The Company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed \_\_\_\_\_

  
**Jeremy Katz**  
**Chief Executive Officer**  
**segTEL, Inc.**

Attachments: Accompanying Statement explaining CPNI procedures  
Explanation of actions taken against data brokers

**ACCOMPANYING STATEMENT  
EXPLAINING CPNI PROCEDURES  
segTEL, Inc.**

segTEL, Inc. (the “Company”) is a facilities-based provider of advanced, integrated packages of communications services to customers in moderately-populated areas of New England. The Company provides a variety of telecommunications and information services on a wholesale basis to other telecommunications carriers and on a retail basis to enterprise customers, small business customers, and residential customers. These services include, but are not limited to, various forms of local and long distance telecommunications services, managed connectivity, hosting, private line services, collocation services, internet access and fiber to the premises. The Company continues to expand its fiber network throughout the New England states, bringing competitive and advanced telecommunications services to many under-served and rural areas.

As permitted by the CPNI rules, the Company uses CPNI, without the customer’s prior approval, to (1) to initiate, provide, bill and collect for telecommunications services rendered; (2) to protect rights or property of the Company, other users or other carriers from unlawful use; (3) for the purpose of providing customer premises equipment and protocol conversion; and (4) in order to provision inside wiring, maintenance and repair services.

In addition, in accordance with the applicable FCC CPNI Rules, the Company provides regular written CPNI notices to all customers and uses the opt-out method of obtaining customer approval to use CPNI for marketing purposes. Specifically, the Company’s opt-out CPNI notice explains the customers’ CPNI rights, including their right to restrict the use and disclosure of, and access to their CPNI, and also provides information on how customers can choose to not receive marketing from the Company. The Company only uses CPNI to market communications-related services outside of those services to which a customer already subscribes if the customer has granted approval pursuant to instructions in its opt-out CPNI notices. The Company has a system by which the status of a customer’s CPNI approval can be clearly established prior to the use or disclosure of that customer’s CPNI. The Company maintains records of customer approval and the delivery of its CPNI notices for at least one year.

The Company has in place procedures to ensure that it will provide written notice to the FCC within five business days of it becoming aware of any instance where its opt-out mechanisms do not work properly to such a degree that its customers’ inability to opt-out is more than an anomaly. These procedures ensure that the notice will be in the form of a letter, and will include: (i) segTEL’s name; (ii) a description of the opt-out mechanism(s) used; (iii) the problem(s) experienced; (iv) the remedy proposed and when it will be or was implemented; (v) whether the relevant state commission(s) has been notified; (vi) whether segTEL has taken any action; (vii) a copy of the notice provided to customer(s); and (viii) contact information. segTEL will submit the above letter to the FCC even if it offers other methods by which its customers may opt-out.

In certain limited circumstances, the Company shares CPNI with prospects in response to a request for proposal (“RFP”) for telecommunications services. For instance, the Company provides telecommunications services to large institutions and government agencies who, as part

of the RFP, request information about similarly situated existing Company customers. In these instances, prior to sharing customer CPNI with any prospect, the Company contacts the existing customer and obtains its express affirmative consent to share CPNI with the prospect. The Company maintains for at least one year a record of such customer's assent. Except for the purposes described above, or when required by law, the Company does not share, sell, lease or otherwise provide CPNI to any unrelated third parties without affirmative consent from the customer.

The Company has implemented processes and procedures to train its personnel as to when they are and are not permitted to use CPNI. For instance, all Company employees are required to abide by the Company's CPNI Policy, which provides a comprehensive description of Company's CPNI policies and procedures. Employees who violate the Company's CPNI Policy will be subject to discipline, including possible termination.

From time to time, the Company uses independent contractors to perform sales functions. Even though these independent contractors do not have any access to a customer's call detail records or other CPNI after the sale is completed, the Company contractually requires each independent contractor to have protections in place to ensure the confidentiality of any information that is obtained from Company customers. These contracts further prohibit these independent contractors from using, allowing access to, or disclosing any Company customer information to any other party, unless required to make such disclosure under force of law.

The Company does not currently engage in any large-scale coordinated sales and marketing campaigns. A significant amount of the Company's marketing is focused on new customers in areas where the Company has built facilities. The Company does some limited marketing of new services to existing customers on a case-by-case basis. Records of customer contacts that utilize CPNI are maintained in Company databases for at least one year. Specifically, the Company utilizes a contact management database that tracks customer contacts made by Company sales and marketing employees and the Company utilizes an account management and trouble ticketing system that documents its contact with customers. Marketing campaigns are supervised by at least one senior executive. Records of such supervision are maintained for at least one year.

The Company has implemented procedures whereby it will not provide CPNI without proper customer authentication on inbound telephone calls. In order to authenticate a customer's identity prior to disclosing CPNI, the Company authenticates the customer using a variety of methods. When a customer initiates an inbound communication, such as email or a telephone call, segTEL will disclose CPNI, including Call Detail Information, with a customer in the context of that inbound communication only by outgoing communication to the address of record. Commercial customers have account managers.

The Company has implemented a backup method for allowing customers to change passwords in the event that passwords are lost or forgotten that conforms to the relevant FCC rules. The Company has implemented procedures to inform customers of online changes to account information in a manner that conforms with the relevant FCC rules.

The Company has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise,

the Company will notify affected customers and will maintain a record of any CPNI-related breaches for a period of at least two years.

**EXPLANATION OF ACTIONS TAKEN AGAINST  
DATA BROKERS IN 2009  
SEGTEL, INC.**

As described in the Company's 2008 CPNI Certification filed in EB Docket 06-36, last year, the Company learned that certain individuals gained unauthorized access to the Company's CPNI and Carrier Proprietary Information ("CPI"). Specifically, the Company confirmed that an agent ("Agent") of a third-party telecommunications carrier ("Underlying Provider") mis-used the Company's CPI. The parties involved were: (i) the Agent who was working on the Company's behalf to install underlying wholesale services; (ii) the Company, which ordered the wholesale services from the Underlying Provider; and (iii) the Company's affiliate ISP ("ISP"), which in turn used the underlying wholesale service to provide retail service to an end user business customer ("End User"). The Agent, without authorization, used the Company's CPI to encourage the ISP's End User to switch its services from the ISP to the Underlying Provider. Apparently, in response to the Agent's encouragement, the End User cancelled its contract with the ISP resulting in a dispute with the ISP concerning termination of the contract between the parties.

The Company also discovered that the attorney representing the End User in the contract termination dispute with the ISP also misappropriated the Company's and ISP's CPNI. Specifically, upon unauthorized request by the End User's attorney, the Agent provided to such attorney CPNI of other Company and ISP customers.

As a result of these unauthorized activities, on March 3, 2009, segTEL submitted a notice of a data breach to the Department of Justice ("DOJ") via the DOJ's Data Breach Reporting Portal ([www.cpnireporting.gov](http://www.cpnireporting.gov)). In addition, in April 2009, segTEL met with a New Hampshire Assistant United States Attorney ("AUSA") to discuss the actions of the attorney representing the End User. To date, the Company has not heard anything back from the AUSA.

The Company did not receive any complaints from customers concerning this incident.